

**TOWN OF HAVERHILL
REGULAR TOWN COUNCIL
THURSDAY, JULY 8, 2010
7:00 P.M.
OFFICIAL MINUTES**

Pursuant to the foregoing notice, the Regular Town Council Meeting was held at the Town Hall, 4585 Charlotte Street on Thursday, July 8, 2010. Those present were James E. Woods, Mayor; Jay G. Foy, Vice Mayor; Jerry E. Beavers, Council Member; Henry Lynch, Council Member, Mark Uptegraph, Council Member, John Foster, Town Attorney and Janice C. Rutan, Town Administrator.

CALL TO ORDER

Mayor Woods called the meeting to order at 7: 00 p.m.

INVOCATION AND PLEDGE OF ALLEGIANCE

Mayor Woods led the Pledge of Allegiance and offered the Invocation.

ROLL CALL

Mayor Woods called the roll. All members were present.

APPROVAL OF AGENDA

Per the request of Vice Mayor Foy, the approval of minutes was removed from the consent agenda and placed on the regular agenda as item IX.c.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed to approve the agenda as amended.

APPROVAL OF THE CONSENT AGENDA

~~Approval of the June 24, 2010 regular meeting minutes~~
(removed and placed on regular agenda)

PRESENTATIONS

None.

COMMENTS FROM THE PUBLIC

None.

COMMENTS FROM THE PALM BEACH COUNTY SHERIFF'S DEPARTMENT

Deputy Keith Bender presented the Palm Beach County Sheriff's office report to the Town Council. In addition to alarm calls and domestic calls, there had been reported burglaries at Park Lane, Richmond Mews, Belvedere Road and 1091 Military Trail. Deputy Bender commented that school was out of session which results in an increase of activity. He reminded all to be mindful of their surroundings and to lock doors and cars at all times.

SECOND READINGS AND PUBLIC HEARINGS

None.

FIRST READINGS

Ordinance No. 388, an Ordinance of the Town of Haverhill amending Chapter 38, Traffic and Vehicles, by amending Section 38-18 entitled "Dangerous Intersection Safety Act".

The title was read by Attorney Foster. Attorney Foster presented staff's report.

A motion was made by Vice Mayor Foy and seconded by Council Member Lynch to approve Ordinance No. 388 on first reading.

Attorney Foster commented that the proposed Ordinance took into consideration the Town's best interest in light of the many changes since the adoption of the legislation governing the red light camera program. He added that the earnings for the Town have been dramatically

reduced. The vendor should indemnify the Town. Those specific concerns were addressed in the Ordinance, Section 2. (s).

Vice Mayor Foy requested that the clause allowing the Town to terminate the agreement be specific to the amount of time the net revenue would not cover the expenses incurred by the Town, i.e., monthly, 90 days, annually.

It was the general consensus to insert "monthly", to read as follows:

"allow the Town to immediately terminate the agreement if the **monthly** net revenue to the Town does not cover the direct and indirect expenses...."

The vote was then called and the motion passed unanimously 5-0.

REGULAR AGENDA:

Appoint Jerry Beavers to serve as the Town Council's voting delegate at the Annual Business Session of the Annual Conference of the Florida League of Cities

A motion was made by Vice Mayor Foy, seconded by Council Member Uptegraph and unanimously passed (5-0) to appoint Jerry Beavers to serve as the Town Council's voting delegate at the Annual Business Session of the Annual Conference (August 19 – 21, 2010) of the Florida League of Cities

Set tentative millage rate for FY 2010/2011 and set Public Hearing dates for September 9, 2010 and September 23, 2010 at 7:00 p.m.

At a workshop held prior to the regular Town Council meeting the proposed budget in draft form was presented to Council for review.

The Town Administrator had presented staff's report and explained that the maximum millage allowed by majority vote would be 4.9981. In prior years the Town Council had set the preliminary rate at 4.600. The current millage rate was 4.2952.

It was explained that the tentative millage rate would be used by the County to notify the taxpayers of their potential tax liability. – *Truth in Millage (TRIM)*. The tentative millage rate would be the rate that appears on the "Notice of Proposed Taxes" received by the taxpayers. Once the tentative tax rate was set by Council, *it cannot be increased, it can only be decreased*. Because of this restriction, and the potential of unknown, unforeseen circumstances that may occur between now and the final budget hearings scheduled for September 9 and 23, 2010 it was recommended that the tentative millage be set at a rate higher than the present millage rate of 4.2952.

A motion was then made by Vice Mayor Foy, seconded by Council Member Lynch and unanimously passed (5-0) to set the tentative millage rate at 4.6000 and to set the Public Budget Hearing dates for September 9, 2010 and September 23, 2010 at 7:00 p.m. at the Town Hall, 4585 Charlotte Street.

APPROVE MINUTES:

Vice Mayor Foy confirmed that the changes and corrections he had suggested were incorporated in the final set. It was explained that the changes had been made; however, copies of the corrected minutes had not been distributed.

A motion was then made by Council Member Lynch, seconded by Council Member Uptegraph and unanimously passed (5-0) to approve the minutes of the June 24, 2010 minutes as corrected.

REPORTS

Town Attorney

Attorney Foster reported on the conference call scheduled for July 12, 2010 between the Town of Haverhill and representatives from ATS concerning the amendment to the Agreement between the parties due to the recently enacted legislation.

Mayor

Mayor Woods announced that he had been invited to speak before a group at the Haverhill Baptist Church on August 17, 2010. He will give a brief history of the Town and discuss the role of the Council and their responsibilities, etc.

Consultants

None.

Administrator's Report

The Town Administrator reported that she would be meeting with Chris Barry, Planner to discuss the required Capital Improvement Element update to the Comprehensive Plan.

Committee and Delegate Reports

A meeting of the Belvedere Road committee had been scheduled for July 21, 2010 at noon. Chris Barry, Planner, would also be in attendance.

Vice Mayor Foy reported on the upcoming changes to the NPDES program and the possible fiscal impact these changes may have on the Town.

Treasurer's Report

(included in packet)

UNFINISHED BUSINESS**Report on status of Lease Agreements with Tower Company and Clearwire**

Attorney Foster reported that the lease agreements between the Town of Haverhill and Clearwire and the amendment to the lease agreement between the Town of Haverhill and TowerCo (formally Nextel) had been signed on June 30, 2010. The first annual rent payment of \$24,000 would be due upon commencement of construction or August 15, 2010, whichever first occurred.

NEW BUSINESS

Mayor Woods reported that he had been approached by Ben Whitecavage, representing AT&T and requesting permission to install a hydrogen cell generator for the AT&T tower. He reminded all that it had always been the desire of Council that if a generator was installed, it was to take care of all the co-locators on the Tower as well as AT&T. Mr. Whitecavage stated that it would be a difficult to work out an arrangement for all the carriers and technically the hydrogen cell cannot accommodate more than one carrier.

Discussion followed. The reason the Council wanted only one generator for the site was for noise. According to Mr. Whitecavage, noise would not be an issue with hydrogen cell generators.

Concern over the safety of the generator was raised and whether the Town would need to take safety precautions toward accessibility to the compound.


It was agreed that the Council would look at other hydrogen cell generators in the area and the Administrator would obtain information on the safety of the generators.

Director of Public Works, Joseph Roche requested Council consideration in reinstalling the four-way stop on Ivory Lane, Club Road and Tall Pines Road. The matter was referred to the Town Administrator for action.

ADJOURNMENT

There being no further business to come before the Town Council, the meeting adjourned at 7:45 p.m.

Approved: July 22, 2010


Janice C. Rutan, Town Administrator


James E. Woods, Mayor